

European Court of Justice: European Commission correct to issue guidelines for protecting consumers using online gambling services

20 February 2018

Brussels, Today - The EU Court of Justice (CJEU) has ruled¹ that the European Commission acted within its rights by issuing guidelines to member states on how to protect consumers from online gambling services. The CJEU rejected a claim² by the Belgian Government that the Commission had gone beyond its Treaty-based competences by issuing the guidelines and found the guidelines did not interfere with the right of Member States to regulate online gambling services. The European Gaming and Betting Association (EGBA) welcomes the CJEU decision and supports the full adoption of the Commission guidelines by Member States.

The guidelines³, published in 2014, contain a number of practical recommendations aimed at fostering a high degree of consumer protection in Member States and prevent minors from online gambling. The Belgian Government had claimed that the guidelines interfered with Member State sovereignty and competences to regulate national gambling markets.

While the guidelines are not legally binding, EGBA supports the implementation of the guidelines as an important tool to encourage Member States to apply a high and consistent level of consumer protection for online gambling activity in the EU. The standards adequately compliment the European Committee for Standardisation's (CEN) workshop agreement on Responsible Remote Gambling Measures⁴, which EGBA members voluntarily adhere to and are regularly audited against.

Maarten Haijer, Secretary General of EGBA, said: "*We welcome the decision by the Court and strongly support the Commission's guidelines for online gambling services which aim to protect consumers and minors across all EU Member States. We now call upon the Commission to evaluate the implementation of its guidelines by Member States and identify any gaps and corrective action needed to encourage Member States to achieve a high level of consumer protection.*"

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¹ [Case C-16/16 P](#), European Court of Justice, 20 February 2018

² [Belgium's application for annulment of Commission Recommendation 2014/478/EU](#), Official Journal of the EU, 13 October 2014

³ [Commission Recommendation of 14 July 2014 on principles for the protection of consumers and players of online gambling services and for the prevention of minors from gambling online](#), European Commission, 14 July 2014

⁴ [Workshop Agreement on Responsible Remote Gambling Measures \(CWA 16259: 2011\)](#), European Committee for Standardisation (2011)

Background

The CJEU judgment confirms the decision of the General Court⁵ of 27 October 2015 to dismiss the case brought by Belgium requesting the annulment of the Commission Recommendation. Further appeal against the decision is not possible.

The 2014 Recommendation aims to ensure that online gambling remains a source of entertainment; that minors are prevented from gambling; and that consumers are provided a safe gambling environment throughout the EU. It encourages Member States to implement a series of concrete and practical measures to ensure a minimum standard of consumer protection throughout the EU. The Commission was expected to review its implementation by the Member States in the 24 months after the publication in the official journal of the EU.

EGBA fully endorses the recommendations for Member States to achieve a high degree of protection for consumers, players and minors through the adoption of principles for online gambling services and for responsible commercial communication, which should already be in place in all EU Member States⁶.

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About the EGBA:

The [EGBA](#) is an association of leading European gaming and betting operators [Bet-at-home](#), [BetClic](#), [GVC Holdings PLC](#), [Expekt](#), [Kindred Plc](#), [ZEAL Network](#), [Betsson Group](#) and [bet365](#). The Gibraltar Betting and Gaming Association ([GBGA](#)) and Branschföreningen för Onlinespel ([BOS](#)) are affiliate members of EGBA. As a Brussels-based non-profit association, EGBA promotes the rights of more than 20 million adult European citizens to participate in online gambling of their choice in an informed, regulated, safe and secure environment. While online gambling remains a smaller part of the total gambling market (15%), based upon innovation, technology and digital consumer demand, online gambling transformed itself into an industry champion of the European digital economy with material spin-off effects towards other digital economies and strong synergies with sports. EGBA members have invested more than €600M into digital security and contributed to sports with more than €800M, mainly via sponsorship deals and purchasing innovative sports streaming rights. www.egba.eu

⁵ [Order of the General Court \(second chamber\), Kingdom of Belgium v European Commission, Case T-721/14](#), European Court of Justice, 27 October 2015

⁶ [Industry welcomes Commission Recommendation on Common Consumer Protection Measures for Online Gambling in the EU](#), EGBA, 14 July 2014